



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

October 19, 2006

Mr. Dave Cook
Sonoma County Water Agency
P.O. Box 11628
Santa Rosa, CA 95406

Dear Mr. Cook:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Potter Valley Check Dams # 8, 13, & 16 Maintenance and Repair Project, Mendocino County

File: Potter Valley Check Dams # 8, 13, & 16
Mendocino County, WDID No. 1B06100WNME

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341). On July 10, 2006, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Dave Cook, on behalf of the Sonoma County Water Agency (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Potter Valley Check Dams # 8, 13, & 16 Maintenance and Repair Project (Project), Mendocino County. The Project will disturb Waters of the State and Waters of the U.S. associated with the Coyote Valley Hydrologic Sub Area No. 114.32, within the Russian River Hydrologic Unit No. 114.00.

Information describing the Project was noticed for public comment on the Regional Water Board's website on October 19, 2006. Under Title 23, California Code of Regulations, Section 3858(a): "The executive director or the executive officer with whom an application for certification is filed shall provide public notice of an application at least twenty-one (21) days before taking certification action on the application, unless the public notice requirement has been adequately satisfied by the applicant or federal agency. If the applicant or federal agency provides public notice, it shall be in a manner and to an extent fully equivalent to that normally provided by the certifying agency. If an emergency requires that certification be issued in less than 21 days, public notice shall be provided as much in advance of issuance as possible, but no later than simultaneously with issuance of certification." The Project is considered an emergency

California Environmental Protection Agency

Recycled Paper

because increased erosion will likely occur during the winter season due to high flows, which may cause failure of the check dams. Due to the nature of emergency associated with this project, 401 Water Quality Certification will be issued during the 21-day public comment period. Public comments will still be accepted and reviewed during the entire 21-day comment period; ending November 9, 2006, and the Order may be modified based on public comments.

Project Description: The proposed Project is located upstream of Lake Mendocino on the East Fork of the Russian River in Potter Valley, Mendocino County. The proposed project entails the maintenance of three check dams within Potter Valley. The three check dams requiring maintenance are on assessor parcel numbers (APNs) 175-010-012, 175-200-03, and 176-220-13. The purpose of the project is to repair flood damaged river banks adjacent to three check dams by recontouring escarpments, stabilizing lower river banks by use of rock rip-rap, removing downed trees, and using bioengineering techniques and revegetation to restore the areas disturbed by storm erosion.

The project consists of repairs at three sites. At check dam number eight (8) work will consist of removal of downed trees and recontouring the escarpment to a stable slope. The erosion repair will be completed by using keyed in rip rap along the lower bank and fill material above. Fill will be covered with erosion control fabric, and the bank will be revegetated. Work at check dam 13 will use the same techniques as at check dam 8 however there will be additional repair to an access road that was also damaged by storms. At check dam 16 work will be completed similarly to the work at the other two sites.

All repaired areas will be covered in erosion control fabric and reseeded with native grasses and forbs. Native plants will be installed at all three sites and will consist of a minimum of 18 red willows, 15 white alders, and 3 valley oaks. The alders and oaks will be planted above the riprap, and the willow will be sprigged into the riprap. The revegetation plan calls for installation of 219 plants. Plantings will be monitored for 3 years to assure 80% survival.

Receiving Water: The Project will disturb Waters of the State and Waters of the U.S. associated with the Coyote Valley Hydrologic Sub

Area No. 114.32, within the Russian River Hydrologic Unit No. 114.00.

Federal Permit: The Project applicant has applied for a U.S. Army Corps of Engineers (ACOE) for a Clean Water Act Section 404 Nationwide Permit No. 3 (Pending).

State and Local Approvals: The Project applicant has applied to the California Department of Fish and Game for a 1602 Streambed Alteration Agreement, (Pending)

Filled or Excavated Area: Total Area Impacted: 0.15 acres of riparian habitat
Area Temporarily Impacted: 0.15 acres
Area Permanently Impacted: 0.00 acres

Total Linear Impacts: 300.0 linear feet impacted
Length Temporarily Impacted (Restored): 300.0 linear feet
Length Permanently Impacted (Not Restored): 0.00 linear feet

Compensatory Mitigation: All repaired areas will be covered in erosion control fabric and reseeded with native grasses and forbs. Native plants will be installed at all three sites and will consist of a minimum of 18 red willows, 15 white alders, and 3 valley oaks. The alders and oaks will be planted above the riprap, and the willow will be sprigged into the riprap. The revegetation plan calls for installation of 219 plants. Plantings will be monitored for 3 years to assure 80% survival.

Non-compensatory Mitigation: Non-compensatory mitigation measures include the use of standard Best Management Practices (BMPs), developed by the Bay Area Storm Management Agency's Association for erosion control. All equipment will be operated from the top of bank.

CEQA Compliance: The SCWA has filed a Notice of Exemption (Categorical Exemptions 15301 – Existing Facilities and 15304 – Minor Alterations to Land) with the Mendocino County Clerk. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined the Project qualifies for Categorical Exemptions 15301 – Existing

Facilities and 15304 – Minor Alterations to Land, pursuant to the CEQA guidelines.

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following two standard conditions shall apply to this Project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23) 23 CCR 3867.
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, CCR 23 and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23 and owed by the applicant.

Additional Conditions: Pursuant to 23 CCR 3859(a), the Applicant shall comply with the following additional conditions:

1. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into Waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream, Waters of the State or Waters of the United States.

2. BMPs for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters.
3. A copy of this Order shall be provided to the contractor and all subcontractors conducting the work, and shall be in their possession at the work site.
4. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

5. The Applicant shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance. The Applicant shall also provide photos of the completed work areas after the first significant rainfall event in order to ensure that erosion control has been successful.
6. All Project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.

Water Quality
Certification:

I hereby issue an order [23 CCR Subsection 3831(e)]
certifying that the authorized discharge from Potter Valley

Check Dams # 8, 13, & 16 Maintenance and Repair Project, (WDID No. 1B06100WNME), will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017- DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification (Enclosed).

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration:

The authorization of this certification for any dredge and fill activities expires on December 31, 2007. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Stephen Bargsten of our staff at (707) 576-2653 prior to construction so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. Kuhlman
Executive Officer

101906_jos_PotterValleyCheckDams_401Cert.doc

cc: Ms. Jenny Chen, SWRCB, 401 Program Manager (Acting)
Mr. Bill Cox, California Department of Fish and Game, Region 3, P.O. Box 47,
Yountville, CA 94599
Mr. Justin Yee, U.S. Army Corps of Engineers, Regulatory Branch,
333 Market Street, San Francisco, CA 94105

California Environmental Protection Agency

Recycled Paper